

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**EMPIRE PETROLEUM
HOLDINGS, LLC**

PLAINTIFF/COUNTER-DEFENDANT

VS.

CAUSE NO.: 2:11-cv-64-WAP-JMV

**BILL STUBBLEFIELD
and DON SMITH**

DEFENDANTS/COUNTER-PLAINTIFFS

ORDER

This matter is before the court *sua sponte*, in response to plaintiff/counter-defendant, Empire Petroleum Holdings, LLC, motion to compel arbitration (#42). Pursuant to Rule 16(b)(3) of the Uniform Local Rules for the Northern and Southern Districts of Mississippi:

(B) *Filing a motion to compel arbitration*, an immunity defense or jurisdictional defense motion stays the attorney conference and disclosure requirements and all discovery not related to the issue pending the court's ruling on the motion issue, including any appeal. Whether to permit discovery on issues related to a motion asserting an immunity defense or jurisdictional defense is a decision committed to the discretion of the court.

(C) At the time the motion to compel arbitration, immunity defense or jurisdictional defense motion is filed, the moving party shall submit to the magistrate judge a proposed order granting the stay.

(E) The plaintiff must promptly notify the magistrate judge of a decision on the motion and must submit a proposed order lifting the stay. Within fourteen days of the order lifting the stay, the parties must confer in accordance with L.U.Civ.R. 26(c), and all other deadlines will be determined accordingly.

IT IS, THEREFORE, ORDERED that all proceedings herein, including the Case Management Conference and all motions filed by the parties herein, but excluding discovery relating to the motion to compel arbitration, shall be and are hereby stayed with regard to all parties, pending the court's ruling on the Motion to Compel.

IT IS FURTHER ORDERED that should the Motion to Compel Arbitration be denied, plaintiff shall contact the court within ten days of the denial to advise of the need to reschedule the Case Management Conference.

SO ORDERED, this, the 30th day of January 2012.

/s/Jane M. Virden
United States Magistrate Judge